

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

ROGELIO DELARIVA,

Defendant and Appellant.

E041500, E041512

(Super.Ct.Nos. FVI021124
FVI024225)

OPINION

APPEAL from the Superior Court of San Bernardino County. John M. Tomberlin,
Judge. Affirmed with directions.

Howard S. Cohen, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

In case number FVI021124, defendant pled nolo contendere to possessing
methamphetamine for sale (Health & Saf. Code, § 11378). As part of his plea bargain, he
waived his right to appeal and agreed to be sentenced to the upper term of 3 years, to run

concurrently with the time imposed in FVI024225. In that later case, defendant pled nolo contendere to selling/transporting cocaine (Health & Saf. Code, § 11352, subd. (a)), and admitted having suffered a prior conviction for a drug offense. (Health & Saf. Code, § 11370.2, subd. (a).) As part of his plea bargain, he waived his right to appeal and he agreed to be sentenced to 6 years in prison. There is no certificate of probable cause for either case in the record before this court.

Defendant appealed, and upon his request this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 [87 S.Ct. 1396, 18 L.Ed.2d 493] setting forth a statement of the case, a summary of the facts, and potential arguable issues and requesting this court to undertake a review of the entire record.

We offered the defendant an opportunity to file a personal supplemental brief, which he has not done.

We have now concluded our independent review of the record and find no arguable issues.

DISPOSITION

The trial court is directed to amend the abstract of judgment in FVI021124 to show that the three-year term was concurrent with the six-year term imposed in FVI024225, not a principle or consecutive term, as the abstract currently states. In

section 8 of the abstract, the three-year term should be placed inside parenthesis. In all other respects, the judgments are affirmed.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

RAMIREZ
P.J.

We concur:

HOLLENHORST
J.

KING
J.